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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3   Barry Harris,   Case No.: 2:24-cv-01533-JAD-EJY

4   Plaintiff

5   v.

6   State of Nevada,   **Order Administratively Closing Case and**
                                                        Opening Case as a Criminal Matter

7   Defendant

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9   Pro se Plaintiff Barry Harris filed a Notice of Removal under 28 U.S.C. § 1455 and

10   Federal Rule of Civil Procedure (FRCP) 11.[1] Harris also submitted an application to proceed *in*

11   *forma pauperis.*[2] The Clerk of the Court opened this case as a prisoner civil rights lawsuit. But

12   after reviewing Harris's notice and 28 U.S.C. § 1455, I direct the Clerk of the Court to

13   administratively close this civil case and to open Harris's filings as a criminal matter under 28

14   U.S.C. § 1455.

15   Title 28 U.S.C. § 1455 sets forth the procedure for a criminal defendant to remove a

16   criminal prosecution from state court to federal court.[3] A defendant "desiring to remove any

17   criminal prosecution from a [s]tate court" must file in the appropriate federal district court a

18   notice of removal signed under FRCP 11 and meet the specified requirements set forth in the

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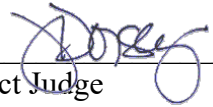[1] ECF No. 1-1.

23   [2] ECF No. 1

[3] 28 U.S.C. § 1455(a)-(c).

statute.[4] If the defendant does not meet the specified requirements set forth in the statute, the federal district court may remand the case.[5]

Because the statute makes clear that this is a removal of a criminal case, I direct the Clerk of the Court to close this civil case and open Harris's filings in a criminal case. To be clear, however, I make no determination at this time whether Harris's notice of removal satisfies the requirements of § 1455.

IT IS HEREBY ORDERED that **the Clerk of the Court is directed to**:

- **ADMINISTRATIVELY CLOSE** this case;

- **OPEN** and **FILE** Harris's filings in a new criminal matter; and

- **FILE** a copy of this order in the new criminal matter.

Dated: September 5, 2024

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U.S. District Judge

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[4] *Id.* at § 1455(a)–(b).

[5] *Id.* at § 1455(b)(4).

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